

REMARKS

Applicant thanks the Examiner for a productive interview with Applicant on October 20, 2009. Attached herein is an executed declaration for consideration in concert with Applicant's response filed October 21, 2009, to the non-final office action mailed April 21, 2009. The declaration by Dr. Macpherson, an expert in the area at the time of the invention, notes the infancy of the field of making and using dendritic cell/tumor cell hybrids capable of initiating a primary anti-tumor response.

The declaration provides that the prior art B cell/ tumor fusions taught by Guo et al. differ in both structure and function from the claimed dendritic cell fusions. In particular, the declaration provides that the activated B cell/ tumor fusions taught by Guo et al. do not induce a primary anti-tumor response as required by the hybrids made according to the methods of the instant claims. In view of the requirement for sufficient cell surface expression of MHC Class II and B7 to induce a primary anti-tumor response via activating naïve T cells, the declaration notes the reduced level of cell surface expression of MHC Class II and B7 of the B cell/ tumor fusions illustrated by Fig. 1 of Guo et al., relative to the level of cell surface expression of MHC Class II and B7 on the activated B cells from which the fusions were derived.

The declaration further provides that, at the time of the instant filing, it was not known whether a dendritic cell/tumor cell fusion would upregulate MHC Class II antigen and costimulatory molecules, e.g., B7, on its surface relative to the levels expressed by tumor cells from which the fusions were derived, or if it would be down-regulated for such expression relative to activated B cells, as the Guo fusions clearly are. The declaration provides further rationales that the B cell/ tumor fusions taught by Guo et al. do not induce a primary anti-tumor response (i.e., do not induce naïve T-cells). In contrast to the secondary role played in the in vivo anti-tumor response by the B cell/ tumor fusions taught by Guo et al., the claims now require the functional property that the dendritic cell /tumor fusions induce a primary anti-tumor response. Accordingly, Applicant submits that one of skill at the time of the invention would not have been motivated to make the dendritic cell/tumor cell fusions of the instant claims by substituting a dendritic cell for a B cell in the methods of Guo et al.

In view of the infancy of the field of making dendritic cell/tumor cell hybrids able to induce a primary immune response by activating naïve T cells at the time of Applicant's invention, the reduced cell surface expression of MHC Class II and costimulatory molecules on the B cell/ tumor cell hybrids taught by Fig. 1 of Guo et al. relative to that of the activated B cells from which the fusions were derived, and the significant physiological differences between activated B cells and dendritic cells, it is Applicant's position that it would not have been obvious to one of skill at the time of the invention to have substituted a dendritic cell for a B cell in a method of making the hybrid fusions encompassed by the instant claims.

### CONCLUSION

In light of the above remarks and previously filed claim amendments, Applicants respectfully request early consideration and allowance of the subject application. Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned would appreciate the opportunity to do so. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment to Deposit Account No. 04-1105, Reference No.: 69240DIV2(241012).

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Respectfully submitted,

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